

## REMARKS

### **I. INTRODUCTION**

Applicants have amended claims 1, 12-13, 16, and 21. Claims 1-7, 11-14, 16-18, and 20-21 are presently pending in this application. Applicants respectfully submit that the rejection of claims 1-7, 11-14, 16-18, and 20-21 has been overcome and respectfully request reconsideration and reexamination of the application in view of the following arguments and amendments.

### **II. AMENDMENTS TO THE CLAIMS**

Applicants have amended claim 1 and 16 to clarify the structure of the channels of the inventive running board and to further clarify that the lower end of the J-shaped brackets comprise the transverse webs of the platform. Applicants have also amended claims 12-13 to clarify the channel cross-sectional configuration. Applicants have also amended claim 21 to clarify Applicant's earlier comments in Response to an Office Action concerning the transverse web. Applicants respectfully submit that none of these amendments adds any new matter.

### **III. CLAIM REJECTIONS UNDER 35 U.S.C. § 102(e)**

Claims 1-2, 11, and 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Schrempf (U.S. 6,412,799). Claim 1 has been amended, and Applicants respectfully overcome this rejection.

Claim 1 as amended now recites, "A running board for an automotive vehicle comprising: a polymeric platform . . . having an upper solid surface reinforced with transverse webs underneath generally perpendicular to said upper solid surface; and at least first and second spaced apart polymeric support brackets, said brackets being generally J-shaped . . . wherein said brackets have a channel cross-sectional configuration with sidewalls continuous with said transverse webs of said platform, so that said lower end of said J-shaped bracket comprises said transverse webs, said channels being formed from a plurality of sidewalls, being generally U-shaped, and extending uninterrupted from said lower end to said upper end." (emphasis added).

Therefore, amended claim 1 recites that the lower end of the J-shaped bracket comprises said transverse webs. While the Examiner states that Schrempf teaches "some of the transverse webs being extensions of the bracket portions (64 extending from 54, also 52)"

(Office Action, page 2, paragraph 3), Applicant respectfully submits that the transverse webs are extensions of mount projections 24, not extensions of the bracket directly. At most, Schrempf discloses that the bracket may be “integrated” with the mount projection, but does not disclose that the lower end of the J-shaped bracket comprise transverse webs as positively recited in amended claim 1. Schrempf requires mounting projections because the bracket of Schrempf curves toward motor vehicle and said mounting projections provide a surface for supporting the lower end of the brackets of Schrempf. As positively recited in amended claim 1, the lower end of the Applicant’s J-shaped brackets of the inventive running board actually comprise the transverse webs of the platform. Accordingly, the inventive running board does not require mounting projections, and the J-shaped brackets of the inventive running board curve away from the motor vehicle (not toward like Schrempf).

Schrempf itself notes that “[i]t is . . . difficult to provide a structure wherein the running board and the mounting projections can be made of an integral . . . polymeric material with the projections having the requisite strength for resisting the moments on the platform. There is a continuous need to provide an improved running board assembly which is easily installed, light weight and economically manufactured yet retains the requisite strength for supporting vehicle passengers.” (Col. 1, lines 31-40). The inventive running board improves upon Schrempf by eliminating mounting projections and integrating the bracket to the platform. While running boards and associated brackets usually require a certain structure for strength considerations that make it difficult to produce them by injection molding processes, the inventive running board and bracket has a continuous configuration and is therefore, producible by injection molding in a single draw line mold assembly. This is our advantage. Furthermore, the running board of amended claim 1 is lighter and more compact, in addition to being easier to assemble due to its amenability to a one-step molding process.

Also, amended claim 1 further recites that the channels of the J-shaped brackets extend uninterrupted from the lower end of the bracket to the upper end of the bracket. Schrempf does not disclose this recitation. At most, Schrempf discloses brackets that are suggested could be integrated with the transverse webs of the platform, but that is where the teaching of Schrempf stops because no particular way of “integrating” the bracket is disclosed. One of ordinary skill in the art at most is invited to try to figure out such an approach. We are left only with the structure of the mounting projection and the actual separate bracket in Schrempf. Therefore, and in any event, that combination in Schrempf

includes channels defined by a projection reinforcing rib (52), and including a base rib (62) extending between the bracket sidewalls and a pair of crossing ribs (66) extending diagonally between the side walls that traverse and divide the channels between their lower and upper ends. Schrempf therefore does not have “channels . . . uninterrupted from said lower end to said upper end” as now positively claimed. In fact, all that is disclosed in Schrempf teaches away from uninterrupted channels as now claimed. Therefore, amended claim 1 is not anticipated by Schrempf.

Applicants also respectfully submit that although Schrempf states that “[o]ptionally, the bracket 30 may be integrated with the mount projection 24” at col. 2, lines 57-58, Schrempf does not teach how such a reinforced bracket may be integrated in a co-molded fashion with the platform of the running board to produce a running board with integrally connected co-molded polymeric supports brackets connected thereto, a stated objective of the present invention. (Applicant’s Specification, paragraph 11).

Claims 2, 11, and 21 depend from claim 1 directly, and therefore contain all the limitations thereof. Accordingly, for at least the same reasons given above in connection with claim 1, Applicants respectfully submit that the rejections are improper and request reconsideration and withdrawal of the rejection.

#### **IV. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 3-7, 12-14, and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schrempf. Claims 3-7 and 12-14 depend from claim 1, either directly or indirectly, and therefore contain all the limitations thereof. Accordingly, for at least the same reasons given above in connection with claim 1, Applicants respectfully submit that the rejection is improper and request reconsideration and withdrawal of the rejection.

Applicants respectfully submit that the rejection of claim 16 under 35 U.S.C. § 103(a) is improper because Schrempf fails to disclose or suggest all of the limitations in amended claim 16. “Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case.” MPEP § 2141 (emphasis in original).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally,

the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

MPEP § 2143. Applicants submit that that Schrempf fails to teach or suggest all of the limitations set forth in amended claim 16. Claim 16 as amended recites, “A running board for an automotive vehicle comprising: a . . . plastic platform . . . having a generally upper solid surface reinforced by perpendicular transverse webs and angled longitudinal webs; . . . plastic polymeric support brackets, said brackets being generally J-shaped . . . , said brackets being of a triple channel configuration and wherein said channels have lateral sides continuous with said transverse webs of said platform, so that said lower end of said J-shaped bracket comprises said transverse webs, said channels being generally U-shaped and extending uninterrupted from said lower end to said upper end and a middle channel having a smaller width than adjacent channels opening toward said platform.” (emphasis added).

As similar amendments have been made to claim 16 as to claim 1, Applicants rely on the arguments given above in connection with independent claim 1. The particular J-shaped bracket now claimed provides an advantage over the known prior art in terms of manufacturability by eliminating the need for a mount projection and enabling the running board to be amenable to molding in a single draw line mold assembly. Because Schrempf fails to disclose or suggest all of the limitations of amended independent claim 16, Applicants respectfully submit that the rejection of independent claim 16 under 35 U.S.C. § 103(a) is improper. Accordingly, Applicants request that the rejection be withdrawn.

Claims 17-18 depend from claim 16 directly, and therefore contain all the limitations thereof. Accordingly, for at least the same reasons given above in connection with claim 16, Applicants respectfully submit that the rejection is improper and request reconsideration and withdrawal of the rejection.

**V. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schrempf in view of Alldredge (U.S. 4,696,507). Claim 20 depends from claim 1 indirectly and therefore contains all the limitations thereof. Accordingly, for at least the same reasons given above in connection with claim 1, Applicants respectfully request reconsideration and withdrawal of the rejection.

**VI. RESPONSE TO COMMENTS**

Applicant has clarified amended claim 21 to more clearly explain Applicant's comments concerning including a thicker transverse web when the transverse web is continuous with the side walls of the J-shaped brackets of the inventive running board.

**VII. CONCLUSION**

For at least the above-cited reasons, all claims pending in the present application are now believed to be allowable. Early receipt of a Notice of Allowance is hereby respectfully requested. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney.

Respectfully submitted,

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